

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

United States of America

v.

No. 1:23-mj-00233-LEW

Angelo Castigliola

**Motion to Withdraw as Counsel
and for the Appointment of New Counsel**

Undersigned counsel respectfully requests that this Court permit her to withdraw as counsel, and that this Court appoint new counsel to Mr. Castigliola to assist him with the above-styled litigation. In support, counsel states the following:

1. Seven days ago, on August 24, 2023, counsel was appointed to represent Mr. Castigliola pursuant to the Criminal Justice Act.
2. The initial appearance happened on August 24, 2023. A detention hearing was held on August 29, 2023. Over defendant's objection, this Court ordered him detained.
3. Undersigned counsel makes this motion because, after an in-depth review of the materials provided thus far by the government and U.S. Probation, together with the numerous conversations counsel has

already had with Mr. Castigliola, she regrets to say that she seriously underestimated the time and attention that this case will require.

4. Given existing workload demands, undersigned counsel feels that she cannot devote the time necessary to Mr. Castigliola's case to provide him with the effective assistance of counsel. By way of example, in the near future, those workload demands include:

a. A motion for a certificate of appealability due on August 31, 2023, in the Sixth Circuit. *Johnson v. Jordan*, Docket No. 23-5330 (death penalty case).

b. A federal habeas petition due to this Court on or before September 15, 2023. Docket number to be assigned upon filing (murder case).

c. Federal sentencing in this Court on September 26, 2023. *United States v. Turner*, Docket Nos. 1:11-cr-00077-LEW and 1:21-cr-00029-LEW (bank robbery and possession of a firearm by a prohibited person).

d. An Appellant's Brief due on October 2, 2023, in the First Circuit. *United States v. Pina*, Docket No. 23-1323

(RICO with a cross-over to the first-degree murder sentencing guideline).

e. Oral argument in the Law Court on October 5, 2023. *State v. Ouellette*, Docket No. Ken-23-12 (OUI).

f. A sentencing memorandum due to this Court on October 13, 2023. *United States v. Sam*, Docket No. 1:21-cr-00194-LEW (weapon possession by a prohibited person).

g. An Appellant's Brief due to the Second Circuit in *United States v. Wilson*, in Docket No. 23-6307 (17-count superseding indictment with charges including murder while engaged in a narcotics conspiracy; two consecutive life sentences; 24-day trial). Transcript production is underway.

5. Counsel recently informed Mr. Castigliola that she intended to file this motion. The ensuing conversation has convinced undersigned counsel that the attorney-client relationship has been irreparably damaged and cannot continue were this Court to deny this motion.

6. In over twenty years of practicing criminal law and representing defendants, counsel cannot recall ever having moved to withdraw based on workload concerns. Only once previously has counsel

moved to withdraw based on a breakdown of the attorney-client relationship.

7. Counsel does not make this motion lightly, but rather, to ensure that Mr. Castigliola has an attorney who can devote sufficient attention to his case. Undersigned counsel apologizes to the Court and to Mr. Castigliola, sincerely, for the inconvenience that her withdraw will cause, and hopes that this is mitigated by the nascent stage of litigation.

8. The government takes no position on this motion.

Dated August 30, 2023

Respectfully submitted,

/s/ Jamesa J. Drake
Jamesa J. Drake
Drake Law LLC
P.O. Box 56
Auburn, ME 04212
(207) 330-5105

Service via CM/ECF